3-4-2007: Present: Mr .P.C. Sharma, Advocate, for the Petitioner.

Mr. R.M. Bisht, Deputy Advocate General for respondents No.1 and 2.

Mr. Lovneesh Kanwar, Advocate for the Respondent No.3.

Notice. Mr. R.M. Bisht, learned Deputy Advocate General appears and waives service of notice on behalf of respondent No.1 and 2 and Mr. Lovneesh Kanwar, Advocate, appears and waives service of notice on behalf of the respondent No.3.

The petitioner had applied for its affiliation to the H.P. Board of School Education (respondent No.3) admittedly prior to 31-12-2006. The inspection was carried out and during the inspection, certain deficiencies were found. The deficiencies were conveyed to the petitioner. According to the petitioner, it removed the objections and sent the communication in this behalf along with necessary enclosures to the respondent No.3. Board on 26-2-2007 by Courier. This communication was received by the Board on 1-3-2007 and the Board, vide Annexure-P6, has refused to take any action on the same. According to the Board, in view of the judgment passed by this Court in Civil writ petition No. 92 of 2006 Divya Jyoti –v- H.P. Board of School Education, the last date for re-submission of the forms, after removing the objection (s), was 28-2-2007 and the Board had no jurisdiction to entertain the same after 28-2-2007.

In C.W.P. No. 103 of 2007 and connected matters, this Bench had extended the time for submitting the application form (s) for affiliation. We are of the view that keeping in view the fact that this being the first year in which these cut off dates have been mentioned and also keeping in view

the fact that the petitioner had re-submitted his forms on 26-2-2007 by courier which should have normally reached the Board on 27th or 28th February, 2007, there is justification for extending the time to the petitioner.

Since the facts are not in dispute, we dispose of the petition without calling for a formal reply from the respondents and we hereby direct that the petitioner shall re-submit the forms, by hand, latest by 9-4-2007 and on his doing so, the Board shall take further action on the same in accordance with law. The Form shall be deemed to have been submitted in time if it is submitted on or before 9-4-2007.

Dasti copy.

(Deepak Gupta), J.

(Surinder Singh), J.

April 3, 2007.
(BM)